

REMARKS

Claims 1-101 are pending in the application. This status of pending claims reflects kind rejoinder by the Examiner of claims 30-45, 83-84, 93-94, 96-97, and 100-101 in the instant Office Action (at p. 2). Claims 48-56 and 88-89 remain withdrawn from consideration.

Specification

The specification is objected to for claiming the benefit of a co pending, non provisional application without identifying the relationship of the instant application to the co-pending application (CFR 1.78). Presently, the priority statement in the specification states that it claims priority to USSN 09/847,173, but does not identify whether it is a continuation, continuation-in-part or divisional.

Appropriate correction has been made herein to specify that the instant application presents additional disclosure relative to the subject priority application, USSN 09/847,173. The Office is respectfully urged to take note that the subject priority claim is made to a later-filed application and is therefore presented as a relational priority claim directed specifically to the previously filed application USSN 08/720,132, of which the co-pending '173 application is a straight divisional progeny case. This reach-through priority claim is believed to be proper despite prior filing of the instant application relative to the '173 application, because the '173 application in turn enjoys direct (i.e., related as a straight divisional) priority to the '132 application, which previously issued. Applicants respectfully request confirmation by the Office that this relative priority claim is acceptable, and has otherwise been properly presented and accepted by the Office.

Double Patenting

Claims 1-47, 57-87 and 90-101 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 10, 11 and 22 of U.S. Patent No. 6,264,957.

Claim 42 is rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 30 of U.S. Patent No. 6,699,476.

Claims 36-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as, allegedly unpatentable over claims 39-49 of co-pending Application No. 09/611,829. Because the subject, cited application has now issued (as USPN 6,713,066), Applicants reply herein as to a non-provisional double patenting rejection.

Applicants do not accede to the specific merits of any of the foregoing double patenting rejections, and make no representations concerning the alleged unpatentability of the indicated pending claims in this application over the indicated claims of the respective cited patents. However, Applicants note that the foregoing double patenting rejections are rendered moot by the filing herewith of a Terminal Disclaimer disclaiming any terminal portion of the instant application over the cited patents U.S. Patent No. 6,264,957, U.S. Patent No. 6,699,476, and U.S. Patent No. 6,713,066. Withdrawal of the foregoing double patenting rejections, without prejudice, is therefore earnestly solicited.

Claims 1-47, 57-87 and 90-101 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-47, 57-87 and 90-101 of co-pending Application No. 10/030,951.

Claims 42 is provisionally rejected under the judicially created doctrine of obviousness., type double patenting as allegedly unpatentable over claim 30-42 and 68 of co-pending Application No. 10/031,095.

Applicants note that, in the case of each of the foregoing, provisional obviousness-type double patenting rejections, the allegedly conflicting claims have not in fact been patented in the respective, cited copending application. Applicants therefore decline to address the merits of these provisional rejections herein, and ask that the subject claims in the instant application be passed to issue—whereafter the current, provisional double patenting issues will be dealt with alternatively, non-provisionally in the cited, copending applications.

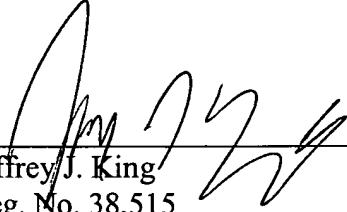
CONCLUSION

In view of the foregoing, Applicants believe that all claims now pending in this Application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 425/455-5575.

Respectfully submitted
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